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UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 18-125(L); 18-331 (XAP)	Caption [use short title]	
Motion for: Extension of Time to File Brief	Bozzuto's Inc. v. National Labor Relations Board	
in Reply to NLRB's Brief (Dkt. #61)	_	
	_	
Set forth below precise, complete statement of relief sought:		
Bozzuto's requests an extension of time of 10 days	_	
from September 4, 2018 to September 14, 2018	_	
to file a brief in reply to the NRLB's principal brief (Dkt. #61)	-	
	-	
	_	
MOVING PARTY: Bozzuto's Inc.	OPPOSING PARTY: National Labor Relations Board	
Plaintiff Defendant ✓ Appellant/Petitioner Appellee/Respondent		
MOVING ATTORNEY: Sheldon D. Myers	OPPOSING ATTORNEY: David Seid	
	ddress, phone number and e-mail]	
Kainen, Escalera & McHale, P.C.	National Labor Relations Board	
21 Oak Street, Suite 601, Hartford, CT 06106	1015 Half Street, SE, Washington, DC 20570	
Tel: 860-493-0870; E-mail: smyers@kemlaw.com	Tel: 202-273-2941; E-mail: dseid@nlrb.gov	
Court-Judge/Agency appealed from: The National Labor Relational	ations Board	
Please check appropriate boxes:	FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND	
Has movant notified opposing counsel (required by Local Rule 27.1): Yes No (explain):	Has request for relief been made below? Has this relief been previously sought in this Court? Requested return date and explanation of emergency:	
Opposing counsel's position on motion: Unopposed Opposed Don't Know		
Does opposing counsel intend to file a response: Yes No Don't Know		
Is oral argument on motion requested?	for oral argument will not necessarily be granted)	
Has argument date of appeal been set? Yes Vo If yes, ent	er date:	
Signature of Moving Attorney: Sheldon D. Myers /s/ Date: 08/30/18	Service by: CM/ECF Other [Attach proof of service]	
Form T-1080 (rev. 12-13)		

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

BOZZUTO'S INC., : APPEAL NO.

Petitioner / Cross-Respondent : 18-125(L) / 18-331 (XAP)

:

v.

:

NATIONAL LABOR

RELATIONS BOARD :

Respondent / Cross-Petitioner : AUGUST 30, 2018

<u>PETITIONER / CROSS-RESPONDENT'S</u> MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

Pursuant to Fed. R. App. P. 27 and Local Rule 27.1(f), Petitioner / Cross-Respondent Bozzuto's Inc. ("Bozzuto's") respectfully moves for a ten-day extension of time up to and including September 14, 2018 in which to file a reply to the initial Brief filed by Respondent / Cross-Petitioner, National Labor Relations Board ("NRLB"), on petition for review and cross-application for enforcement of an order of the NLRB. (Doc. #61).

This is the first motion for extension of time submitted with respect to filing a reply brief. This extension of time is necessary because the NLRB's Brief, which is 54 pages long, presents not only the NLRB's position in opposition to Bozzuto's Petition for Review but further contains the NLRB's position in support of its Cross-Application for Enforcement of the underlying decision, which position Bozzuto's only received less than 10 days ago. The NLRB had 90 days to

review and respond to Bozzuto's position in support of the Petition for Review, and Bozzuto's should not be limited to the current 14 day time period to review and respond to the NLRB's position in support of its Cross-Application for Enforcement, which it only received less than 10 days ago. Due to the undersigned counsel's work schedule commitments (including the preparation and filing of a motion to dismiss in a federal court matter in the District of Connecticut, the preparation and filing of a reply to an opposition to summary judgment in another federal court matter in the District of Connecticut, and preparation for and travel to two out-of-state depositions in an arbitration), the undersigned counsel is not able to reasonably prepare a reply brief within the current deadline. Further, granting the instant Motion seeking a limited ten-day extension of time would not adversely impact the NLRB or the Court in any manner whatsoever, in that: (1) this matter has not been set down for oral argument and is not otherwise time-sensitive; and (2) the NLRB has no objection to the granting of this Motion.

WHEREFORE, Bozzuto's respectfully requests that the Second Circuit grant the instant Motion for Extension of Time allowing Bozzuto's until September 14, 2018 to file its reply to the NLRB's principal Brief.

PETITIONER / CROSS-RESPONDENT BOZZUTO'S INC.

$\mathbf{B}\mathbf{y}$	/s/	
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	Its Attornevs	

CERTIFICATE OF COMPLIANCE

In accordance with Fed. R. App P. 27(d)(1)(E), this Motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionately spaced typeface using Microsoft Word in 14-point font size and Times New Roman.

/s/ Sheldon D. Myers, ct13581

CERTIFICATION OF SERVICE

In accordance with Fed. R. App P. 25 and Local Rule 25.1, I hereby certify that on August 30, 2018: (a) the foregoing document was filed with the Second Circuit through the CM/ECF system; (b) Respondent's counsel has filed an appearance and is a registered CM/ECF user in this case and service of the foregoing document will be made through the CM/ECF system; and that (c) a courtesy copy of the foregoing document has been sent via e-mail to Respondent's counsel: Linda Dreeben (appellatecourt@nlrb.gov), Julie Brock Broido (julie.broido@nlrb.gov) and David A Seid (dseid@nlrb.gov).

/s/	
Sheldon D. Myers,	ct13581

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